

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ERIC JACKSON, *et al.*,

Plaintiffs,

v.

ALEJANDRO N. MAYORKAS,
Secretary of Homeland Security, *et al.*,

Defendants.

Case No. 4:22-cv-825-P

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants respectfully notify the Court of the recent decision in *Crocker v. Austin*, No. 22-cv-757, 2023 WL 4143224 (W.D. La. June 22, 2023). In that case, seven members of the Air Force who had sought religious accommodations exempting them from the Air Force's COVID-19 vaccination requirement challenged that requirement, bringing claims under the First Amendment, the Religious Freedom Restoration Act, and the Administrative Procedure Act. *See id.* at *1. As in this case, the defendants in *Crocker* moved to dismiss the case as moot following the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Pub. L. No. 117-263, 136 Stat. 2395 (2022), and the subsequent rescission of the Air Force's COVID-19 vaccination requirement. *See id.* at *3–4. On June 22, 2023, the *Crocker* court granted the defendants' motion, finding that the case was moot, *see id.* at *5–6, and that the mootness exceptions for voluntary cessation, actions capable of repetition but evading review, and collateral consequences did not apply, *see id.* at *6–8. *Crocker* provides additional support for Defendants' motion to dismiss this case as moot, ECF No. 69.

Dated: June 26, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

ALEXANDER K. HAAS
Branch Director

ANTHONY H. COPPOLINO
Deputy Branch Director

/s/ Cody T. Knapp
CODY T. KNAPP (NY Bar #5715438)
JOHNNY H. WALKER (DC Bar #991325)
Trial Attorneys
United States Department of Justice
Civil Division
Federal Programs Branch
1100 L Street NW
Washington, D.C. 20530
Tel.: (202) 532-5663
Fax: (202) 616-8460
Email: cody.t.knapp@usdoj.gov

Counsel for Defendants